In the House of Representatives, U. S.,

September 29, 2010.

Resolved, That the bill from the Senate (S. 3397) entitled "An Act to amend the Controlled Substances Act to provide for take-back disposal of controlled substances in certain instances, and for other purposes.", do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1	SECTION 1. SHORT TITLE.
2	This Act may be cited as the "Secure and Responsible
3	Drug Disposal Act of 2010".
4	SEC. 2. FINDINGS.
5	Congress finds the following:
6	(1) The nonmedical use of prescription drugs is
7	a growing problem in the United States, particularly
8	among teenagers.
9	(2) According to the Department of Justice's
10	2009 National Prescription Drug Threat Assess-
11	ment—
12	(A) the number of deaths and treatment ad-
13	missions for controlled prescription drugs

1	(CPDs) has increased significantly in recent
2	years;
3	(B) unintentional overdose deaths involving
4	prescription opioids, for example, increased 114
5	percent from 2001 to 2005, and the number of
6	treatment admissions for prescription opioids in-
7	creased 74 percent from 2002 to 2006; and
8	(C) violent crime and property crime asso-
9	ciated with abuse and diversion of CPDs has in-
10	creased in all regions of the United States over
11	the past 5 years.
12	(3) According to the Office of National Drug
13	Control Policy's 2008 Report "Prescription for Dan-
14	ger", prescription drug abuse is especially on the rise
15	for teens—
16	(A) one-third of all new abusers of prescrip-
17	tion drugs in 2006 were 12- to 17-year-olds;
18	(B) teens abuse prescription drugs more
19	than any illicit drug except marijuana—more
20	than cocaine, heroin, and methamphetamine
21	combined; and
22	(C) responsible adults are in a unique posi-
23	tion to reduce teen access to prescription drugs
24	because the drugs often are found in the home.

- (4)(A) Many State and local law enforcement agencies have established drug disposal programs (often called "take-back" programs) to facilitate the collection and destruction of unused, unwanted, or expired medications. These programs help get outdated or unused medications off household shelves and out of the reach of children and teenagers.
 - (B) However, take-back programs often cannot dispose of the most dangerous pharmaceutical drugs—controlled substance medications—because Federal law does not permit take-back programs to accept controlled substances unless they get specific permission from the Drug Enforcement Administration and arrange for full-time law enforcement officers to receive the controlled substances directly from the member of the public who seeks to dispose of them.
 - (C) Individuals seeking to reduce the amount of unwanted controlled substances in their household consequently have few disposal options beyond discarding or flushing the substances, which may not be appropriate means of disposing of the substances. Drug take-back programs are also a convenient and effective means for individuals in various communities to reduce the introduction of some potentially

- harmful substances into the environment, particularly
 into water.
 - (D) Long-term care facilities face a distinct set of obstacles to the safe disposal of controlled substances due to the increased volume of controlled substances they handle.
 - (5) This Act gives the Attorney General authority to promulgate new regulations, within the framework of the Controlled Substances Act, that will allow patients to deliver unused pharmaceutical controlled substances to appropriate entities for disposal in a safe and effective manner consistent with effective controls against diversion.
 - (6) The goal of this Act is to encourage the Attorney General to set controlled substance diversion prevention parameters that will allow public and private entities to develop a variety of methods of collection and disposal of controlled substances, including some pharmaceuticals, in a secure, convenient, and responsible manner. This will also serve to reduce instances of diversion and introduction of some potentially harmful substances into the environment.

1	SEC. 3. DELIVERY OF CONTROLLED SUBSTANCES BY ULTI-
2	MATE USERS FOR DISPOSAL.
3	(a) Regulatory Authority.—Section 302 of the
4	Controlled Substances Act (21 U.S.C. 822) is amended by
5	adding at the end the following:
6	" $(g)(1)$ An ultimate user who has lawfully obtained
7	a controlled substance in accordance with this title may,
8	without being registered, deliver the controlled substance to
9	another person for the purpose of disposal of the controlled
10	substance if—
11	"(A) the person receiving the controlled substance
12	is authorized under this title to engage in such activ-
13	ity; and
14	"(B) the disposal takes place in accordance with
15	regulations issued by the Attorney General to prevent
16	diversion of controlled substances.
17	"(2) In developing regulations under this subsection,
18	the Attorney General shall take into consideration the pub-
19	lic health and safety, as well as the ease and cost of program
20	implementation and participation by various communities.
21	Such regulations may not require any entity to establish
22	or operate a delivery or disposal program.
23	"(3) The Attorney General may, by regulation, author-
24	ize long-term care facilities, as defined by the Attorney Gen-
25	eral by regulation, to dispose of controlled substances on
26	behalf of ultimate users who reside, or have resided, at such

- 1 long-term care facilities in a manner that the Attorney Gen-
- 2 eral determines will provide effective controls against diver-
- 3 sion and be consistent with the public health and safety.
- 4 "(4) If a person dies while lawfully in possession of
- 5 a controlled substance for personal use, any person lawfully
- 6 entitled to dispose of the decedent's property may deliver
- 7 the controlled substance to another person for the purpose
- 8 of disposal under the same conditions as provided in para-
- 9 graph (1) for an ultimate user.".
- 10 (b) Conforming Amendment.—Section 308(b) of the
- 11 Controlled Substances Act (21 U.S.C. 828(b)) is amended—
- 12 (1) by striking the period at the end of para-
- graph (2) and inserting "; or"; and
- 14 (2) by adding at the end the following:
- 15 "(3) the delivery of such a substance for the pur-
- pose of disposal by an ultimate user, long-term care
- 17 facility, or other person acting in accordance with
- section 302(g).".
- 19 SEC. 4. DIRECTIVE TO THE UNITED STATES SENTENCING
- 20 **COMMISSION**.
- 21 Pursuant to its authority under section 994 of title
- 22 28, United States Code, the United States Sentencing Com-
- 23 mission shall review and, if appropriate, amend the Federal
- 24 sentencing guidelines and policy statements to ensure that
- 25 the guidelines and policy statements provide an appro-

- 1 priate penalty increase of up to 2 offense levels above the
- 2 sentence otherwise applicable in Part D of the Guidelines
- 3 Manual if a person is convicted of a drug offense resulting
- 4 from the authorization of that person to receive scheduled
- 5 substances from an ultimate user or long-term care facility
- 6 as set forth in the amendments made by section 3.

Attest:

Clerk.

S. 3397
AMENDMENT